

**REMARKS**

Claims 2-5 and 11-13 are pending. By this Amendment, Claims 2 and 13 are amended. Applicants respectfully submit that support for the amendments is provided in the originally filed application, such as, for example only, paragraph [0037], and as such, no new matter is presented herein.

**Entry of Response Proper**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issues requiring further search and/or consideration on the part of the Examiner as the Amendment merely clarifies what the same material recited by the claims comprises, i.e., a high polymer solid electrolytic material; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The Amendment is necessary and was not earlier presented because it is made in response to objections raised in the Final Rejection. Entry of the Amendment is thus respectfully requested.

**Claim Rejections – 35 U.S.C. §112**

Claims 2-5 and 11-12 are rejected under 35 U.S.C. §112, first paragraph. Claim 2 has been amended responsive to the rejection by deleting the cited feature giving rise to the rejection, even though the Applicants respectfully submit the originally filed application describes and illustrates the claimed invention in such terms that one skilled in the art would be able to make and use the claimed invention without undue

experimentation. However, to expedite prosecution of the application and as the Applicants believe the claimed invention is patentable for other reasons, the feature in question has been deleted from Claim 2, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

**Claims 2-5 and 11-12 Recite Patentable Subject Matter**

Claims 2-5 and 12-13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,499,663, Zwick et al. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zwick. Applicants respectfully traverse the rejections.

Claims 2 and 13 recite a fuel cell comprising, among other features, that the tubular casing and the electrolytic layer are integrally formed by a same material, and the same material comprises a high polymer solid electrolytic material. Such a feature allows the tubular casing and the electrolyte layer to be simultaneously formed by molding the high polymer solid electrolytic material in a gel form, thus simplifying the manufacturing process, and reducing the overall manufacturing cost.

Zwick does not disclose or suggest such a feature.

In Figure 2, Zwick teaches the outer surface of the tubular solid oxide fuel cell includes electrolyte material. However, a portion of the outer surface is formed by an interconnect material (39L), which is different from the electrolyte material. Thus, Zwick does not disclose or suggest that the outer surface (or tubular casing) is formed from the same material as the electrolyte layer.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim.

To establish *prima facie* obviousness of a rejected claim, each feature of the rejected claim must be taught or suggested by the applied art.

As explained above, Zwick does not disclose or suggest each and every feature recited by pending Claims 2 and 13. Therefore, Zwick does not anticipate or render obvious the invention recited by pending Claims 2 and 13. Accordingly, Applicants respectfully submit pending Claims 2 and 13 should be deemed allowable over Zwick.

Claims 3-5 and 11-12 depend from Claim 2. It is respectfully submitted that these dependent claims should be deemed allowable over Zwick for the same reasons as Claim 2, as well as for the additional subject matter recited therein.

Applicants note that Lawless (U.S. Patent 6,372,375), which was cited in the prior Office Action, teaches a honeycomb ceramic fuel cell wherein the electrolyte layer and tubular outer casing are manufactured from the same material. However, Applicants note that Lawless teaches the material is a ceramic which is not a high polymer solid electrolytic material that can be provided in gel form.

Applicants respectfully request withdrawal of the rejections.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 2-5 and 11-13, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 101213-00009.**

Respectfully submitted,

  
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